

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 04 SANTO DOMINGO 002754

SIPDIS

SENSITIVE

STATE FOR WHA AND DRL;NSC FOR SHANNON AND MADISON  
LABOR FOR ILAB; USCINCSO ALSO FOR POLAD;TREASURY FOR  
OASIA-LAMONICA  
USDOC FOR 4322/ITA/MAC/WH/CARIBBEAN BASIN DIVISION  
USDOC FOR 3134/ITA/USFCS/RD/WH; DHS FOR CIS-CARLOS ITURREGUI

E.O. 12958: N/A

TAGS: [PGOV DR](#)

SUBJECT: DOMINICAN ELECTIONS #45: INSTITUTIONS - YOU CAN'T  
TELL THE PLAYERS WITHOUT A PROGRAM

11. (SBU) Following is number 45 in our series on the  
Dominican presidential elections:

Institutions - - You Can,t Tell the Players without a Program

The Dominican elections authority is one of the least well established in the hemisphere, a legacy of the long years of dictatorship, personalistic party politics, and the lack of a permanent civil service. The elements of the current structure date to the 1980,s. Distrust with the system has prompted over time the formation of interest groups and ad hoc associations that seek to influence public opinion in order to oblige the elections authority to assure acceptable elections.

To help with the handicapping for the May 16 elections, here is a summary of the institutions most directly involved in them:

Junta Central Electoral. The JCE lacks institutional autonomy and credibility. The Senate appoints members and alternates for four-year terms shortly after a new Senate takes office (under the current schedule, halfway through a presidential term). Appointments expire with the Senate, although reappointments by the following Senate are not uncommon. The selection process is highly partisan, and since JCE judges are on a 4-year short leash, they have correspondingly less of an opportunity to transcend party politics. The 5 members of JCE appointed after the 1994 electoral disaster were generally regarded as persons of integrity and carried out a successful 1996 election. For the 2000 election the PRD-dominated Senate of 1998 named 5 PRD sympathizers and expanded the body from 5 to 7, adding one judge from each of the other parties. In 2003 after party quarreling prompted the resignation of the JCE president, the Senate, still PRD-dominated, expanded the number from 7 to the current 9 (again, yielding to PLD and PRSC pressures for representation). The Senate defined a new structure, assigning 3 judges responsibilities for the administrative chamber and 5 to the dispute review panel ("camara contentiosa"). Formal petitions for redress are considered by the plenary of 9 chaired by JCE President Luis Arias. A judge may recuse himself and call in his alternate but this is rare.

The JCE,s functions are self-contradictory. It is responsible for organizing elections, overseeing the elections, and judging any disputes. There is no appeal beyond the JCE; under terms of the electoral law, not even the Supreme Court has jurisdiction over electoral matters.

Contests over rules. These institutional realities drive political parties to contend over the rules, as occurred in the February-March "ley de lemas" initiative in which the ruling PRD sought, unsuccessfully, to change procedures for the first round of presidential elections to convert it into a selection among parties rather than among candidates. In similar fashion, there are draft proposals circulating currently within the PRD-dominated Congress to align presidential and congressional elections - - by extending current congressional terms by two years to 2008.

- - The Civil Society Monitoring Committee ("Comision de Seguimiento") continues a tradition begun in the mid-1980,s at the initiative of Catholic academic Monsignor Agripino Nunez Collado. Nunez initiated civil mediation in 1986 in consort with the editors of leading newspapers "El Caribe" and "Listin Diario." Their pioneering effort exerted significant influence. Monsignor Nunez, now rector of a leading catholic university, has been engaged in mediation for every national election since that time. In the 2000 and 2002 elections, he set up a formal "Civil Society Monitoring Committee" under his chairmanship. The 2004 edition includes the Monsignor, his vice rector, heads of four business organizations, a noted surgeon and the head of the evangelical church association. Over the past six months the Commission has provided the only venue at which the three

principal presidential candidates have met -- twice, to the great satisfaction of photojournalists, to sign pacts drafted by the Commission enjoining them to proper conduct in their campaigns. The Commission has made a notably positive contribution in setting up the uncompensated technical commission of computer systems experts that counseled the JCE.

Nunez enjoys considerable prestige but over the years his gentle scolding has gradually lost its impact. Other organizations have become active; Nunez is perceived by some as biased in his political preferences. The Commission's pacts have done little to alter the conduct of the candidates or of the parties. When the Ambassador invited the full Commission to a luncheon discussion on April 29, the members were happy to talk politics in general but they had no cohesive approach to the subject.

-- The Catholic Church. The Dominican Church has been generally non-controversial about the elections. The Church has enjoyed a cozy relationship with government since Trujillo recognized it as the official state-sponsored church and formally committed to provide direct subsidies to the institution. This arrangement survived despite the bishops' repudiation of Trujillo in the 1960's. The Conference of Bishops has periodically issued written declarations, including a December missive that went so far as to suggest obliquely that President Mejia reconsider his decision to seek a second term. Homilies and comments from Cardinal Nicholas de Jesus Rodriguez and senior theologian Fr. Arnaez regularly play in the press. They focus on ethical and humanitarian values generally, choosing no political favorites. One interesting point -- the Cardinal, as titular head of the system of military chaplains, holds flag rank in the Dominican armed forces.

-- Civic NGOs. Non-governmental organization Participacion Ciudadana (PC), founded in the early 1990's, has been a vigorous advocate of electoral transparency, supported in recent years by USG funding through USAID. PC has trained electoral observers for every polling station nation-wide and carries out a quick count that in 2000 and 2002 was within one percent of the vote tallies later certified. PC recently published an analysis of 20 years of corruption cases that documented the fact that in more than 100 prosecutions, only one defendant actually served time. The Foundation for Institution-building and Justice (FINJUS) has a similar approach to elections, articulated by influential young activist lawyers -- this is the group that persuaded the three candidates to address their forum on their views on the theme of corruption. These two NGOs are the engines of the "Civic Forum" of more than 150 community organizations and of the umbrella Coalition for Transparency and Institutionality. These coalitions mounted demonstrations that helped to block the "ley de lemas" proposal in February. The Coalition is currently gathering opposition to a proposal in Congress to redraw the boundaries of national parks so as to open beach lands for commercial development.

-- Business Groups. The senior group is the Council of Entrepreneurs (CONEP) presided by Elena Viyella de Paliza, and the junior one is the Young Entrepreneurs Association (ANJE) headed by Manuel Diez. Each is active in organizing conferences and activities that regularly provide their leaders platforms for public pronouncements defending business interests. The American Chamber of Commerce (AmCham), presided by Verizon telecoms president Jorge Ivan Ramirez (a Colombian national) is politically engaged, generally through luncheons, monthly or more often, that feature prominent speakers (including, in sequence, each of the three candidates). AmCham president Ramirez delivers membership views on current topics but these usually get limited press play, given the general nature of most of his remarks. Sectoral business associations have a lower profile; these include, for example, those of industrialists, hotel operators and free zone operators.

-- Labor and Popular Associations. The labor movement is relatively low profile in the country, and strikes at enterprises or in specific economic sectors are rare. The national work stoppages in November and January near public holidays were proposed and successfully publicized by a consortium of leftist-leaning "popular associations" from neighborhoods, the transporters' and drivers' associations and individual labor activists. Those expressions of nationwide discontent with inflation and electricity blackouts carried complaints about the performance of the Mejia administration but were not specifically anti-Mejia.

A different approach is that of the College of Physicians, with an agenda influenced by health workers in public institutions. Their work stoppages and demonstrations at public hospitals before Easter demanded a doubling in salary and had an anti-Mejia tinge. That view has become more pronounced. Colegio president Dr. Waldo Ariel Suero has told

the press that President Mejia failed to deliver on his pre-Easter promise to put a bill forward in Congress to get salary increases. The Colegio and associated service unions in the public health sector are undertaking a six-day strike to coincide with the final week of campaigning. (On May 7 President of the House of Representatives Alfredo Pacheco indicated to the DCM that the Colegio may, after all, postpone until after the elections.)

- -The Security Forces. This is a thoroughly politicized institution, even though the Constitution prohibits military engagement in politics and members of the armed forces do not have the right to vote. President Mejia,s promotions have created a general officer corps of close to 200 for an enlisted corps of only about 40,000. Secretary of the Armed Forces MG Soto Jimenez publicly insists on the apolitical mission of the military but he and the service chiefs are all political animals who owe their advancement to their PRD connections. The National Police are somewhat less top heavy (50 generals for 27,000 police) and therefore less directly dependent upon the electoral outcome. It appears that despite persistent rumors to the contrary, the institutions are training and planning for full orthodox support to the elections. In the event of a Fernandez victory, however, many in the leadership would be likely to face speedy retirement.

- -Congress. Congress was the scene in February and March of the "ley de lemas" struggle by the PRD to get changes to the electoral law. That was derailed both by civic opposition and by the pragmatic reality that the elections were simply too close for fundamental procedural changes. The PRD owns the Senate almost entire and has a strong presence in the House of Representatives; one benefit is that members of congress can designate a certain amount of direct government subsidy to local associations and NGOs. The current PRD-dominated Congress remains in office until 2006 (that is, under the current Constitution and laws).

- - And, finally, the political parties themselves. Party faithful take inspiration in their leaders but are also motivated by the prospect of government jobs. Since there is virtually no permanent civilian career government service, a change of president entails a vast turnover in government employment. A change of president and transition period to a new administration on August 16 would be marked by far greater government inefficiency than usual, potentially accompanied by theft of government assets.

12. (U) Drafted by Mchael Meigs.

13. (U) This report and other election reporting is available on our SIPRNET website at <http://www.state.sgov.gov/p/wha/santodomingo> along with extensive other material.  
HERTELL